

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BBC STUDIOS DISTRIBUTION LTD,

Plaintiff,

v.

DONGGUAN EVEREST TECHNOLOGY
CO., LTD., et al.,

Defendants.

Case No. 22-cv-02784



Judge Sara L. Ellis

Magistrate Judge Maria Valdez

CONSENT JUDGMENT

This action having been commenced by Plaintiff BBC Studios Distribution Ltd. (“Plaintiff”) against defendants Squarebey and Thriving Trade (“Defendants”). Plaintiff and Defendants have resolved all claims arising from the allegations in the Complaint.

THIS COURT HEREBY FINDS that it has personal jurisdiction over Defendants since Defendants directly target their business activities towards consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and has sold products bearing unauthorized copies of the Bluey Copyrighted Design (including U.S. Copyright Registration No. PA 2-308-864) and/or using infringing and counterfeit versions of the BLUEY Trademark (a list of which is included in the below chart).

Registration Number	Trademark	Goods and Services
6,442,598		<p>For: Toys, namely, dolls, plush toys, soft sculpture toys in the shape of animals and imaginary animals, bath toys, action figures, vehicles, and playsets therefor; toy model cars, play balls; playing cards; plastic toys, namely, plastic scale models sold in kit form; toys; developmental toys, namely, infant developmental toys which develop children's fine motor skills and cognitive skills; wheeled toys, namely, toy cars and ride-on toys; toy scooters in class 28.</p>
6,662,122		<p>For: Non medicated toiletry preparations; non-medicated skin care preparations; cosmetics; non-medicated liquid and bar soaps; shampoos; talcum powder; preparations for use in the bath or shower, namely, bubble bath, bath foam, bath salts, bath oil, shower and hair gel; cosmetic preparations for cleaning the teeth; perfumes; eau de cologne; deodorants for personal use; essential oils in class 3.</p> <p>For: Baby diapers; disinfecting wipes; adhesive bandages; food for babies; powdered milk for babies in class 5.</p> <p>For: Downloadable data recordings, namely, audio, video, still and moving images and text featuring or relating to an animated character and story for children; downloadable educational and computer game software and mobile apps for children for the purpose of children's entertainment relating to an</p>

		<p>animated character and story for children; downloadable electronic publications namely books, magazines, e-zines featuring or relating to an animated character and story for children; baby monitors; baby scales in class 9.</p> <p>For: Jewelry; jewelry boxes; works of art of precious metal; clocks; watches; key chains in class 14.</p> <p>For: Printed publications, namely, magazines and books featuring or relating to an animated character and story for children; photographs; stationery; paint brushes; posters; postcards; greetings cards; collectable trading cards; printed invitations; diaries; calendars; photograph albums; scrap books; prints; gift bags; gift boxes, gift tags; gift wrap; writing instruments; stickers and transfers; ink stamps; personal organizers; address books; note books; pen and pencil holders; desk mats; paper table mats; folders; paper and cardboard coasters; crayons; sewing and knitting patterns; paper bunting; paper patterns for embroidery; paint trays; canvas for painting; palettes for painters; molds for modelling clays in class 16.</p> <p>For: Furniture; mirrors; furniture fittings, not of metal; high chairs for babies; infant walkers; chests for toys; picture frames; figurines of wood, wax, plaster and plastic; baby changing mats; mats for infant playpens; sleeping mats in class 20.</p>
--	--	--

		<p>For: Household and kitchen utensils, namely, ladles, spatulas and mixing spoons, kitchen tongs, camping grills, utensils for barbecues, namely, forks, tongs; containers for household use; combs; brushes; cleaning sponges; glassware; mugs; dishes; holiday ornaments, statuettes and figurines of ceramic, china, crystal, glass, earthenware, terra cotta and porcelain; bottles sold empty, insulated bottles and flasks sold empty; glass jars; egg cups; lunch boxes; plastic and leather coasters; serving trays; candlesticks; napkin rings and holders; soap boxes; tooth brushes; boxes of common metal for household use; paper plates and cups in class 21.</p> <p>For: Non-alcoholic beverages, namely, fruit beverages, fruit juices, carbonated beverages, and water; smoothies; syrups for beverages in class 32.</p> <p>For: Television and radio broadcasting; broadcasting and streaming of video and audio programming via the Internet; transmission, broadcast, and dissemination of audio, video, still and moving images, information, text and data whether in real or delayed time; the provision of online message transmission discussion forums; webcasting and podcasting; communication services, namely, providing electronic transmission of information stored in a database via interactively communicating computer systems in class 38.</p>
--	--	---

		Provision of ongoing television programs and radio programs in the field of children's entertainment; educational services, namely, providing courses of instruction for children in the nature of early childhood instruction; providing information in the field of entertainment and education on-line from a computer database or the Internet, namely information related to children's entertainment relating to an animated character and story for children; providing a website featuring blogs and non-downloadable electronic publications in the nature of books, magazines, and articles featuring children's entertainment; organization, production and presentation of sports competitions, sports games, concerts, exhibitions, game shows, quiz shows, theatrical performances, and live performances featuring or relating to children's entertainment in class 41.
--	--	--

THIS COURT FURTHER FINDS that Defendants are liable for willful federal trademark infringement and counterfeiting (15 U.S.C. § 1114), false designation of origin (15 U.S.C. § 1125(a)), and copyright infringement (17 U.S.C §§ 106 and 501, *et seq.*).

IT IS HEREBY ORDERED that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be permanently enjoined and restrained from:
 - a. using the BLUEY Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing,

- advertising, offering for sale, or sale of any product that is not a genuine Bluey product or not authorized by Plaintiff to be sold in connection with the BLUEY Trademarks;
- b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Bluey Copyrighted Designs in any manner without the express authorization of Plaintiff;
 - c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Bluey product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under the BLUEY Trademarks and/or the Bluey Copyrighted Designs;
 - d. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Bluey Products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - e. further infringing the BLUEY Trademarks and/or the Bluey Copyrighted Designs and damaging Plaintiff's goodwill; and
 - f. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff's, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's trademarks, including the BLUEY Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof and/or which bear the Bluey Copyrighted Designs.
2. Pursuant to the parties' settlement agreement, Defendants shall pay Plaintiff fifteen thousand dollars (\$15,000) in damages (the "Damages Amounts"):

3. Walmart Inc. (“Walmart”) is ordered to transfer the Damages Amount from Defendants’ account to Plaintiff within seven (7) calendar days of receipt of this Order.
4. Upon Walmart’s transfer of Damages Amounts to Plaintiff pursuant to paragraph 2, Walmart shall remove any restraints that were placed on Defendants’ e-commerce stores and financial accounts pursuant to the Temporary Restraining Order [21].
5. This case is dismissed with leave to reinstate within one hundred and eighty (180) days, at such time, absent a motion to reinstate, shall automatically convert to a dismissal with prejudice.
6. Each party shall bear its own attorney's fees and costs.

IT IS SO ORDERED.

DATED: September 6, 2022

A handwritten signature in black ink, appearing to read 'S. L. Ellis', is written over a horizontal line.

Judge Sara L. Ellis
United States District Judge